

B<sup>2</sup>  
2. (Amended) The surface covering or surface covering component of claim 1, wherein the thermoset top coat directly overlies the substrate.

3. (Amended) The surface covering or surface covering component of claim 1, wherein the thermoset top coat includes or is in contact with a cure altering agent selected from the group consisting of photosensitizers, accelerators and inhibitors.

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6. (Amended) The surface covering or surface covering component of claim 1, wherein the first region and second region are localized adjacent one surface of the thermoset topcoat.

9. (Twice Amended) A surface covering or surface covering component comprising:

a) a substrate and

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b) a thermoset top coat comprising a first region having a first gloss level and a second region having a second gloss level different from the first region, the thermoset top coat overlying the substrate,

wherein the thermoset top coat is formed from a UV-curable composition comprising a UV curable component and a flattening agent, and

wherein the different gloss levels are achieved by curing the UV-curable composition using a first polymerization condition in the first region and a second different polymerization condition in the second region.

10. (Amended) The surface covering or surface covering component of claim 9, wherein the thermoset topcoat directly overlies the substrate.

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11. (Amended) The surface covering or surface covering component of claim 9, further comprising a patterned layer between the substrate and the thermoset top coat, wherein the patterned layer includes a pattern of a gloss controlling agent selected from the group consisting of a photoinitiator, a thermal initiator, a cure altering agent, and mixtures thereof, and the patterned layer is in contact with the UV-curable composition before the UV-curable composition is cured.

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12. (Twice Amended) The surface covering or surface covering component of claim 9, further comprising a patterned layer between the substrate and the thermoset top coat, wherein the patterned layer includes a pattern of a gloss controlling agent selected from the group consisting of a thermal initiator, cure altering agents, and mixtures thereof,

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the patterned layer is in contact with the UV-curable composition, and the UV-curable composition comprises a thermal curing agent.

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38. (Amended) A surface covering component comprising:

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- a) a film,
  - b) a patterned layer comprising a gloss controlling agent overlying the film,
  - c) a thermoset top coat overlying the patterned layer, wherein the top coat comprises at least two areas with gloss levels different from one another and at least one of the areas is substantially in register with at least a portion of the design of the patterned layer.
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42. (Amended) The surface covering component of claim 38, wherein the thermoset top coat is transparent or translucent.

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[Please add the following new claims:]

55. (New) The surface covering or surface covering component of claim 1, further comprising a patterned layer between the substrate and the thermoset top coat, wherein the patterned layer includes a pattern of a gloss controlling agent selected from the group consisting of a thermal initiator, cure altering agents, and mixtures thereof.

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56. (New) The surface covering or surface covering component of claim 55, wherein the cure altering agents include photosensitizers, accelerators and/or inhibitors.

57. (New) The surface covering or surface covering component of claim 55, wherein the patterned layer includes a thermal curing agent.

58. (New) The surface covering or surface covering component of claim 55, wherein the regions of different gloss levels are in register with the patterned layer.

59. (New) The surface covering or surface covering component of claim 1, further comprising a patterned layer that includes a photoinitiator in selected regions.

60. (New) The surface covering or surface covering component of claim 1, further comprising a patterned layer that includes a cure altering agent in the first region, wherein the UV-curable composition applied to the substrate includes a photoinitiator.

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### **Comments**

The claims as amended herein are directed to surface coverings or surface covering components that include different gloss levels. Claims 1 and 9 have been amended to remove the phrase "wherein the first and second regions have been cured to approximately the same extent." The claims have also been amended as suggested by the Examiner to specify that the top coat is a thermoset top coat. This amendment does not add new matter to the claims.

New claims 55-60 have been added, which are essentially the same as claims 11-16, 19 and 21, except that they are dependent on claim 1 and do not specify the manner in which the UV-curable compositions are cured.

### **Interview with the Examiner**

*no record*

Applicants wish to thank the Examiner for the helpful interview held on Monday, March 3, 2003, in which the Examiner indicated that the pending rejections would be withdrawn if the claims were amended to specify that the top coat is a thermoset top coat. The claims have been amended as suggested by the Examiner.

### **Rejections under 35 U.S.C. § 112, Second Paragraph**

Claims 1 and 9 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite. The rejections are traversed if applied to the amended claims.

The Office Action states that the phrase "cured to approximately the same extent" in claims 1 and 9 renders the claims indefinite. Applicants have removed the phrase "wherein the first and second regions have been cured to approximately the same extent" from claims 1 and 9, thus mooting the rejection of these claims.

### **Rejections under 35 U.S.C. § 102 (b) and 103(a)**

Claims 1-22, 38-40 and 43-45 have been rejected under 35 U.S.C. § 102 (b) as anticipated by U.S. Patent No. 4,491,616 to Schmidle et al. ("Schmidle"). Claims 21 and 41-42

have been rejected under 35 U.S.C. § 103 (a) as obvious over Schmidle in view of U.S. Patent No. 6,333,076 to Sigel et al. ("Sigel"). These rejections are respectfully traversed if applied to the amended claims.

The Office Action stated that although Applicants had previously argued that the instant invention was distinguished from Schmidle because the instant top coat layer was a thermoset top coat layer, the claims did not include a limitation that the top coat layer be a thermoset top coat layer (page 4, first full paragraph of the December 16, 2002 Office Action).

In the March 3, 2003 interview, the Examiner agreed that the rejections would be overcome if the claims were amended to clearly state that the top coat was a thermoset top coat. The claims have been amended as suggested by the Examiner, and accordingly, Applicants respectfully request that the rejections be withdrawn.

#### **Conclusion**

The Examiner is respectfully requested to withdraw all outstanding rejections in light of the amendments to the claims and the comments presented above. The Examiner is encouraged to contact the undersigned to facilitate prosecution if any outstanding issues remain.

Respectfully submitted,



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### Claims after Amendment

1. (Twice Amended) A surface covering or surface covering component comprising:

a) a substrate and,

b) a thermoset top coat overlying the substrate, the thermoset top coat being formed from a radiation curable composition, the thermoset top coat comprising an exposed surface that includes a first region with a first concentration of a gloss controlling agent and a second region with a second different concentration of the gloss controlling agent,

whereby the exposed surface of the thermoset top coat adjacent the first region has a first gloss level and the exposed surface of the thermoset top coat adjacent the second region has a second different gloss level[,

wherein the first and second regions have been cured to approximately the same extent].

2. (Amended) The surface covering or surface covering component of claim 1, wherein the thermoset top coat directly overlies the substrate.

3. (Amended) The surface covering or surface covering component of claim 1, wherein the thermoset top coat includes or is in contact with a cure altering agent selected from the group consisting of photosensitizers, accelerators and inhibitors.

6. (Amended) The surface covering or surface covering component of claim 1, wherein the first region and second region are localized adjacent one surface of the thermoset topcoat.

9. (Twice Amended) A surface covering or surface covering component comprising:

a) a substrate and

b) a thermoset top coat comprising a first region having a first gloss level and a second region having a second gloss level different from the first region, the thermoset top coat overlying the substrate,

wherein the thermoset top coat is formed from a UV-curable composition comprising a UV curable component and a flattening agent, and[,]

wherein the different gloss levels are achieved by curing the UV-curable composition using a first polymerization condition in the first region and a second different polymerization condition in the second region[, and wherein the UV-curable component in the first and second

regions is cured to approximately the same extent].

10. (Amended) The surface covering or surface covering component of claim 9, wherein the thermoset topcoat directly overlies the substrate.

11. (Amended) The surface covering or surface covering component of claim 9, further comprising a patterned layer between the substrate and the thermoset top coat, wherein the patterned layer includes a pattern of a gloss controlling agent selected from the group consisting of a photoinitiator, a thermal initiator, a cure altering agent, and mixtures thereof, and the patterned layer is in contact with the UV-curable composition before the UV-curable composition is cured.

12. (Twice Amended) The surface covering or surface covering component of claim 9, further comprising a patterned layer between the substrate and the thermoset top coat, wherein the patterned layer includes a pattern of a gloss controlling agent selected from the group consisting of a thermal initiator, cure altering agents, and mixtures thereof,

the patterned layer is in contact with the UV-curable composition, and the UV-curable composition comprises a thermal curing agent.

38. (Amended) A surface covering component comprising:

- a) a film,
- b) a patterned layer comprising a gloss controlling agent overlying the film,
- c) a thermoset top coat overlying the patterned layer, wherein the top coat comprises at least two areas with gloss levels different from one another and at least one of the areas is substantially in register with at least a portion of the design of the patterned layer.

42. (Amended) The surface covering component of claim 38, wherein the thermoset top coat is transparent or translucent.

55. (New) The surface covering or surface covering component of claim 1, further comprising a patterned layer between the substrate and the thermoset top coat, wherein the patterned layer includes a pattern of a gloss controlling agent selected from the group consisting of a thermal initiators, cure altering agents, and mixtures thereof.

56. (New) The surface covering or surface covering component of claim 55, wherein the cure altering agents include photosensitizers, accelerators and/or inhibitors.

57. (New) The surface covering or surface covering component of claim 55, wherein the patterned layer includes a thermal curing agent.

58. (New) The surface covering or surface covering component of claim 55, wherein the regions of different gloss levels are in register with the patterned layer.

59. (New) The surface covering or surface covering component of claim 1, further comprising a patterned layer that includes a photoinitiator in selected regions.

60. (New) The surface covering or surface covering component of claim 1, further comprising a patterned layer that includes a cure altering agent in the first region, wherein the UV-curable composition applied to the substrate includes a photoinitiator.